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**COMMONWEALTH OF VIRGINIA, ex rel.**

**TERRY L. STROCK, et al.**

**CASE NO. PUE-2001-00716**

**v.**

**B & J ENTERPRISES, L.C.**

**HEARING EXAMINER'S RULING**

**June 27, 2002**

On June 25, 2002, B & J enterprises, L. C. ("B & J" or "Company") filed a Motion to Compel Response by Terry L. Strock and Blacksburg Country Club Estates Homeowners' Association (collectively "Petitioners") to Interrogatories and Requests for Productions of Documents by B & J Enterprises, L. C. (Second Set) ("Motion to Compel"). Counsel for B & J seeks the discovery of contacts or conversations regarding the Montgomery County Public Service Authority or any other public body regarding the operation of the sewer system. Specifically, counsel seeks discovery regarding Jerry Mayberry and any presentations or materials that Mr. Mayberry may have provided or reviewed. Petitioners object to the interrogatory as overbroad and that it seeks irrelevant information.<sup>1</sup>

Rule 260<sup>2</sup> of the Commission's Rules of Practice and Procedure provides that information requested need not be admissible into evidence, only appear reasonably calculated to lead to the discovery of admissible evidence. This interrogatory pertains to contact or conversation between the Petitioners and representatives of the Montgomery County Public Service Authority or any other public body regarding the operation of the sewer system. Specifically, the interrogatory requests information pertaining to a person named Jerry Mayberry. Mr. Mayberry's connection or relevance to this proceeding is not explained in the Motion to Compel.

I find the Motion to Compel should be denied. The information sought in the interrogatory has little, if any, relevance or probative value to this proceeding. The determination of fair and just rates in this proceeding will be based on evidence involving and pertaining to B & J. The determination of fair and just rates in this proceeding will not be based on a comparison to rates of other public utility service companies or to rates of municipal utilities. Accordingly,

**IT IS DIRECTED** that the Motion to Compel be, and is hereby, denied.

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Howard P. Anderson, Jr.  
Hearing Examiner

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<sup>1</sup>The question in its entirety and the Petitioner's response is attached to the Company Motion to Compel.

<sup>2</sup>5 VAC 5-20-260.